

**REMARKS/ARGUMENTS**

Claims 1-11, 21 and 22 are pending in this application. Claims 12-20 have been deemed withdrawn. Claims 1-11, 21 and 22 currently stand rejected, wherein Claim 10 is considered to contain allowable subject matter and will be allowed if re-written in proper form.

In this response, Applicant amends Claims 1, 4, 9 and 10 to more clearly point out the subject matter. No new matter is introduced because the amendments essentially combine the features previously presented in dependent claims into the independent claim.

Claims 3, 6, 7, 8 and 11 are canceled in light of the above claim amendments and the rejections in the Office Action.

Applicant further amends paragraph [0037] of the specification and Claims 1 and 21 by adding a word “standard” before “atmospheric pressure.” The amendments are made in accordance with the Examiner’s Amendments set forth in the Notice of Allowability mailed on October 24, 2007. No new matter is introduced.

**Allowable Subject Matter**

Applicant first thanks the Examiner for considering Claim 10 as containing allowable subject matter.

The Examiner is correct that Claim 10 is patentable over Kaplan (US6453928) – it involves a capacitor arrangement wherein a dielectric diaphragm positioned between two electrodes, and a first voltage can be provided to the first electrode and a second voltage can be provided to the second electrode. This feature is not disclosed in Kaplan and is not obvious to a person skilled in the art, and thus, is patentable over Kaplan.

**Rejection Under 35 U.S.C. §102(e)**

In response to the rejection under 35 U.S.C. §102(e) in view of Kaplan, Applicant amends Claim 1 to recite that “wherein at least one of the fluid-tight chambers is sealed by at least one dielectric diaphragm and said dielectric diaphragm is arranged between a first electrode and a second electrode to form a capacitor” (emphasis added). Although the amended Claim 1 does not specifically recite a first voltage being provided to the first electrode and a second voltage being provided to the second electrode, as in the allowed Claim 10 of the current application, it does contain patentable subject matter in essentially the same manner as Claim 10.

First, Kaplan does not teach or disclose a capacitor arrangement. Instead, Kaplan focuses on a resistor/heater arrangement, which requires an electrical current to pass from a first electrode to the resistor/heater, then to the second electrode to form a closed circuit. Due to the high resistance of the resistor/heater, the electrical current causes the resistor/heater to increase in temperature, which in turn either melts a diaphragm located directly underneath the resistor/heater or melts a portion of the resistor/heater itself.

In contrast, the amended Claim 1 does not involve a resistor/heater or a closed electrical circuit. Instead, a capacitor arrangement is utilized. That is, a dielectric diaphragm separates two electrodes. The diaphragm can be opened by voltages applied to the electrodes, not by electric currents passed through a resistor/heater. This arrangement is not disclosed in Kaplan nor rendered obvious by Kaplan. Therefore, Applicant respectfully presents that the amended Claim 1 is similarly allowable as Claim 10 of the current application.

**Rejection Under 35 U.S.C. §112**

Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, particularly with respect to the meaning of the term “conductive.”

Applicant hereby cancels Claim 6. Therefore, this rejection is moot.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Applicant respectfully requests the Examiner contact the undersigned if there are any questions. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-3420, under Order No. 31175803-005001 (Valoir).

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Respectfully submitted,

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